

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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ALBERTO DOCOUTO,

Plaintiff,

v.

DAVID G. NANZ, et al.,

Defendants.

Case No. 2:13-cv-01765-RFB-GWF

**ORDER ACCEPTING REPORT AND  
RECOMMENDATION**

Before this Court is the Report and Recommendation of the United States Magistrate Judge George W. Foley, Jr. (Doc. 11, July 25, 2014) recommending dismissal of this case with prejudice. No objection was filed to Magistrate Judge Foley's Report and Recommendation in accordance with Local Rule LR IB 3-2 of the Rules of Practice of the United States District Court for the District of Nevada. See also 28 U.S.C. § 636(b)(1). This matter was referred to the undersigned for consideration.

A district court "may accept, reject or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1); LR IB 3-2(b). If a party timely objects to a magistrate judge's report and recommendation, then the court "shall make a de novo determination of those portions of the [report and recommendation] to which objection is made." 28 U.S.C. § 636(b)(1); LR IB 3-2(b). If a party fails to object, however, the court is not required to conduct any review at all. Thomas v. Arn, 474 U.S. 140, 149 (1985);

United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (“[T]he district judge must review the magistrate judge's findings and recommendations de novo if objection is made, but not otherwise. . . . Neither the Constitution nor the statute requires a district judge to review, de novo, findings and recommendations that the parties themselves accept as correct.”). Thus, absent an objection to a magistrate judge’s recommendation, a court may accept the recommendation without review.

Here, no objection has been filed, which relieves this Court of its obligation to review Judge Foley’s Report and Recommendation.

Nonetheless, this Court finds it appropriate to conduct a de novo review of the record in this case in accordance with 28 U.S.C. §636(b)(1) and Local Rule IB 3-2 to determine whether to adopt Judge Foley’s Report and Recommendation. Upon reviewing the Report and Recommendation and underlying facts, this Court determines that the Report and Recommendation of Magistrate Judge Foley should be accepted and adopted in full. On June 20, 2014, Plaintiff Docouto was ordered, and given thirty days, to either file an amended application to proceed *in forma pauperis* or pay the filing fee. Doc. 10. More than eighty days later, Docouto has neither filed, nor paid, nor requested more time in which to respond.

**IT IS THEREFORE ORDERED** that the Magistrate Judge’s Report and Recommendation entered July 25, 2014 (Doc. 11) is **ACCEPTED** and **ADOPTED**. The case is dismissed with prejudice.

**DATED** this 21<sup>st</sup> day of November, 2014.



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RICHARD F. BOULWARE, II.  
UNITED STATES DISTRICT JUDGE